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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 136 of the 133rd General Assembly

Senate Judiciary

Dennis M. Papp, Attorney

Modified the House-passed version of the bill by:

1. Removing the provisions that specified that a verdict in a capital case in which the defendant was found guilty of aggravated murder had to separately state whether the offender was found under the bill's provisions to be ineligible for a sentence of death due to serious mental illness, if the matter of serious mental illness was raised by the defendant.
2. Changing the provision that stated that a disorder attributable *solely* to the acute effects of *voluntary* use of alcohol or any other drug of abuse did not, standing alone, constitute a "serious mental illness" under the bill to instead state that a disorder attributable *primarily* to the acute effects of *any* use of alcohol or any other drug of abuse does not, standing alone, constitute a "serious mental illness" under the bill.
3. Adding provisions that specify that if a person under a sentence of death files a petition under the bill's expanded postconviction relief mechanism alleging that the person was seriously mentally ill at the time of the offense, the filing of the petition constitutes a waiver of any right the person may have to be sentenced under the law in effect at the time of the offense and, if the person proves that the person was seriously mentally ill at the time of the offense, the court must sentence the person to life without parole.